

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, December 12, 1935.

The meeting was called to order at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 4; absent, Councilman C. M. Bartholomew,

The reading of the Minutes was dispensed with.

J. Bascom Giles presented a petition signed by a majority of the qualified voters of certain territory in the Pecan Springs School District #61, asking that the city limits be extended for school purposes only to include said territory.

The following communication from A. N. McCallum, Superintendent of Schools, was then read:

" Austin, Texas
Dec. 10, 1935

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

This is to certify that the resolution quoted below was unanimously adopted by the Austin School Board at its regular meeting held December 9, 1935, on motion of Mr. J. Harris Gardner:

' BE IT RESOLVED by the Board of Trustees of the Austin Public Schools that we recommend that the corporate limits of the City of Austin be extended for school purposes only so as to embrace the territory out of the Pecan Springs School District No. 61, as set out in the petition presented herewith, signed by Mrs. Louise A. Hill, et al. '

Yours truly,

(sgd) A. N. McCallum
Superintendent of Schools. "

(SEAL)

Councilman Wolf moved that in accordance with the recommendation of the School Board, the City Attorney be instructed to prepare the proper ordinance for passage at the next regular meeting, incorporating said territory in the city limits for school purposes only. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Harry D. Fruett presented a petition signed by a number of the residents on Leon Street between 19th and 22nd Streets, asking that the name of said street within the boundaries stated be changed to Robbins Place. The matter was referred to the City Engineer for his recommendation.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE LEVY AND COLLECTION OF FEES AND THE ISSUANCE OF PERMITS BY THE CITY OF AUSTIN TO PERSONS ENGAGED IN THE VARIOUS PHASES OF THE LIQUOR TRAFFIC, AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The ordinance was read the second time and Councilman Wolf moved a further suspension of the rule and the placing of the ordinance on its third reading. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The ordinance was read the third time and Councilman Wolf moved that same be finally passed. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Alford offered the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in BARTON SPRINGS ROAD from Josephine Street westerly to a point 120 feet west of the west line of Barton Boulevard, the center of which gas main shall be 67½ feet south of and parallel to the north line of said Barton Springs Road.

Said gas main described above shall have a cover of not less than 2½ feet.

(2) A gas main in JARRETT AVENUE, beginning at a point 27 feet west of the east line of Jarrett Avenue and 59 feet south of the south line of Leigh Street;

Thence in a northerly direction with the centerline of a gas main, which centerline shall be 27 feet west of and parallel to the east line of Jarrett Avenue, for a distance of 149 feet.

Said gas main described above shall have a cover of not less than 2½ feet.

(3) A gas main in NECHES STREET, beginning at a point on the north line of East 12th Street and 28 feet west of the east line of said Neches Street;

Thence in a northerly direction with the centerline of a gas main, which centerline shall be 28 feet west of and parallel to the east line of said Neches Street, for a distance of 77 feet.

Said gas main described above shall have a cover of not less than 2½ feet.

(4) A gas main in RAMSEY AVENUE, beginning at a point 7½ feet west of the east line of Ramsey Avenue and 75 feet south of the south line of West 44th Street;

Thence in a southerly direction with the centerline of a gas main, which centerline shall be 7½ feet west of and parallel to the east line of said Ramsey Avenue, for a distance of 73 feet.

Said gas main described above shall have a cover of not less than 2½ feet.

(5) A gas main in WEST EIGHTH STREET, beginning at a point 16 feet south of the north line of West 8th Street and 390 feet west of the west line of West Lynn Street;

Thence in a westerly direction with the centerline of a gas main, which centerline shall be 16 feet south of and parallel to the north line of said West 8th Street, for a distance of 68 feet.

Said gas main described above shall have a cover of not less than 2½ feet.

(6) A gas main in SPEEDWAY, beginning at a point 19 feet south of the north line of 45th Street and 7½ feet west of the east line of Speedway;

Thence in a northerly direction with the centerline of a gas main, which centerline shall be 7½ feet west of and parallel to the east line of said Speedway, for a distance of 128 feet.

Said gas main described above shall have a cover of not less than 2½ feet.

(7) A gas main in WEST NINTH STREET, beginning at a point 11 feet north of the south line of West 9th Street and 15 feet west of the east line of Henderson Street;

Thence in a westerly direction with the centerline of a gas main, which centerline shall be 11 feet north of and parallel to the south line of said West 9th Street, to a point that is 147 feet west of the west line of Henderson Street.

Said gas main described above shall have a cover of not less than 2½ feet.

(8) A gas main in HENDERSON STREET, beginning at a point 11 feet north of the south line of West 9th Street and 15 feet west of the east line of Henderson Street;

Thence in a southerly direction with the centerline of a gas main, which centerline shall be 15 feet west of and parallel to the east line of Henderson Street, to a point that is 47 feet south of the south line of West 9th Street.

Said gas main described above shall have a cover of not less than 2½ feet.

(9) A gas main in EAST THIRTY-EIGHTH STREET, beginning at a point 13½ feet south of the north line of East 38th Street and 26 feet west of the east line of Red River Street.

Thence in a westerly direction with the centerline of a gas main, which centerline shall be $13\frac{1}{2}$ feet south of and parallel to the north line of East 38th Street, for a distance of 45 feet.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(10) A gas main in ELLINGSON LANE, beginning at a point 15 feet west of the east line of Red River Street and $6\frac{1}{2}$ feet south of the north line of Ellingson Lane;

Thence in an easterly direction with the centerline of a gas main, which centerline shall be $6\frac{1}{2}$ feet south of and parallel to the north line of said Ellingson Lane, for a distance of 20 feet.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(11) A gas main in EAST FORTY-FIFTH STREET, beginning at a point 15 feet west of the east line of Red River Street and 7 feet south of the north line of East 45th Street.

Thence in an easterly direction with the centerline of a gas main, which centerline shall be 7 feet south of and parallel to the north line of said East 45th Street, for a distance of 20 feet.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(12) A gas main in POPONOE STREET, beginning at a point 15 feet west of the east line of Red River Street and 7 feet north of the south line of Poponoe Street;

Thence in a westerly direction with the centerline of a gas main, which centerline shall be 7 feet north of and parallel to the south line of said Poponoe Street, for a distance of 50 feet.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(13) A gas main in McLIMORE STREET, beginning at a point 15 feet west of the east line of Red River Street and $6\frac{1}{2}$ feet south of the north line of McLimore Street;

Thence in a westerly direction with the centerline of a gas main, which centerline shall be $6\frac{1}{2}$ feet south of and parallel to the north line of McLimore Street, for a distance of 50 feet.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of the backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Alford offered the following resolution:

WHEREAS, the curb and sidewalk specifications of the City of Austin which have been previously adopted by the City Council of the City of Austin require that all curbs and sidewalks be constructed of concrete unless a special permit has been secured from the City Council of the City of Austin to construct curbs and sidewalks of other materials; and

WHEREAS, Elsie Urbantke, owner of Lot 40 of Enfield E, a subdivision within the City of Austin, Travis County, Texas, which property is situated at the northwest intersection of Woodlawn Boulevard and Palma Plaza, and being locally known as 1700 Palma Plaza, has requested the City Council of the City of Austin to grant permission to construct a flagstone walk from the curb line to the property line on the north side of Palma Plaza and to construct stone steps in conjunction therewith, which steps are not to be constructed to the City's standard grades; and

WHEREAS, the said Elsie Urbantke has released and acquitted the City of Austin from any and all damages that may result due to the construction of said special stone steps, which release is evidenced by an instrument of writing dated December 12, 1935, and being on file with the City Clerk of the City of Austin; and

WHEREAS, the City Council of the City of Austin has investigated and approved the construction of said flagstone walk and stone steps; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Elsie Urbantke, owner of Lot 40 of Enfield E, a subdivision within the City of Austin, Travis County, Texas, which property is situated at the northwest intersection of Woodlawn Boulevard and Palma Plaza, and being locally known as 1700 Palma Plaza, is hereby granted permission to construct a flagstone walk from the curb line to the property line on the north side of Palma Plaza and is granted permission to construct stone steps on a special grade not in accordance with the standard grades for such construction heretofore adopted by the City of Austin, and said walk and steps are to be constructed under the supervision and direction of the City Engineer of the City of Austin, and said walk is to be constructed in accordance with lines and grades furnished by the Engineering Department of the City of Austin, and further subject to the following conditions:

That the stone shall be laid in a smooth and workmanlike manner and shall conform to the sidewalk grades as furnished by the Engineering Department of the City of Austin in order that said flagstone walk will not create a hazard to pedestrians.

That the stone shall be placed upon a 4" concrete base and that all work within the City street area shall be done by a bonded sidewalk contractor.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Alford offered the following resolution:

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps and plans showing the proposed construction of its underground conduits in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Engineer; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to cut the pavement on South Congress Avenue between the south end of Congress Avenue Bridge and Riverside Drive, where necessary, and make permanent repairs to their underground conduit system at this location, provided that the said Southwestern Bell Telephone Company shall bear all of the expenses incident to such construction, and further provided that the repairs to the pavement disturbed shall be done under the supervision and direction of the City Engineer of the City of Austin and in accordance with the ordinances and regulations of the City of Austin governing such construction.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The Council, by unanimous vote, indorsed a resolution presented by a committee from

the Austin Labor Temple Association, petitioning H. P. Drought, Works Progress Administrator for Texas, to seriously consider the prevailing wage as recognized by the City Commission, the Travis County Commissioners Court, the Austin Board of Education, the Bureau of Labor Statistics of the State of Texas, and the United States Department of Labor.

Councilman Wolf moved that upon the recommendation of Roy J. Smith, Sergeant of Police, Traffic Division, the following named persons be granted Taxicab Drivers' Permits: Milton Woody Bartley, 3508 Wabash Avenue; Hamilton Arthur Daum, 1201 East 2nd Street; Otto N. Deck, 2409 Santa Rita Street; Silas J. Foster, 45th and Alice Avenue. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Wolf offered the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be and he is hereby authorized to execute on behalf of the City of Austin the agreement between the City of Austin and Adolph Kohn, the terms of which follow:

THAT this agreement, made and entered into by and between the City of Austin, a municipal corporation, acting by and through its City Manager, under the authority of its City Council, and Adolph Kohn, a citizen of Austin, Travis County, Texas, WITNESSETH :

1. Adolph Kohn agrees that he will lay and construct, at his own cost and expense, and in accordance with the plans, specifications and requirements, and under the supervision and subject to the approval of the City of Austin, a water pipe line, or water pipe lines, and appurtenances, necessary and adequate to connect with the present water system of the City of Austin, Shoalmont Addition, a subdivision of certain property owned by the said Adolph Kohn, according to the map or plat of said Addition of record in the office of the County Clerk of Travis County, Texas, in Plat Book No. 3, at page 230, same lying at present outside the corporate limits of the City of Austin, for the purpose of supplying said subdivision with water service by the City of Austin; it being provided that all lines constructed under this agreement shall be laid on public streets and on designated county roads, and if any portion of said line or lines is required to be laid through private property, that a definite easement for right-of-way be secured sufficient for all utility space assignments; and in consideration for the benefits to be received by the said Adolph Kohn in the service of water from the water system of the City of Austin, Adolph Kohn agrees upon the completion thereof to convey to the City of Austin the title to all of said line or lines lying in the public highways, roads and alleys, and in easements acquired for the purpose of laying said lines.

2. Adolph Kohn further agrees that immediately upon the completion of said line or lines, he will furnish the City of Austin authenticated original duplicates of all receipted bills, showing the reasonable and necessary expense, as having been theretofore mutually agreed by the parties hereto, in the laying and constructing of said water line, or water lines, which receipted bills shall be attached to this agreement and shall become evidence of the cost of such line or lines, for the purpose of any refund which may be made under the terms of this agreement.

3. It is agreed that if at any time within fifteen (15) years from the date of this agreement, Shoalmont Addition shall be included by annexation within the corporate limits of the City of Austin, Adolph Kohn shall be entitled to be reimbursed by the City of Austin for the cost of such line or lines, as shown by the receipted bills

hereinabove mentioned, such reimbursement to be without interest, and to be made upon the following terms: One (1) year after the first day of January of the year immediately following such annexation, the City of Austin will refund an amount equal to five (5) times the gross revenue received from water customers connected with said line or lines during such one (1) year period, and at the end of each subsequent year a similar amount will be so refunded until the total cost of such line or lines, less depreciation as hereinafter provided, shall have been refunded; provided that due allowance shall be made for depreciation of said line or lines from the date of completion to the date of annexation, as follows: On all lines under six (6) inches in size and on all appurtenances and accessories thereto, at the rate of five per cent (5%) for each year, and on all lines of six (6) inches or over in size and on all appurtenances and accessories thereto, at the rate of three per cent (3%) for each year, provided that the lines of six (6) inches or over are constructed of cast iron pipe, otherwise such lines shall bear the same rate of depreciation as herein fixed for lines under six inches in size.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Wolf offered the following resolution:

WHEREAS, in accordance with the requirements of the Federal Emergency Administration of Public Works and the provisions of the City Charter of the City of Austin, Texas, proposal for bids for the various works under P.W.A. Docket No. 1758 (4869), Engineer's Reference No. 595B-1-2, was duly advertised to be received by the City Manager and to be opened at ten o'clock A. M., Wednesday, December 11, 1935, at the City Hall in the City of Austin, Texas; and

WHEREAS, at said time and place said bids were publicly opened and read as specified; and

WHEREAS, thereupon it was found that the firm of Brown & Root, Inc., of Austin, Texas, was the lowest and best bidder for the work designated under Docket No. 1758 (4869), Engineer's Reference No. 595B-1, to-wit: The installing of all materials, equipment and labor necessary in the construction of miscellaneous sewer laterals, and the furnishing of all materials therefor, and as said bid was regular and proper in all particulars; and

WHEREAS, it was found that Edward T. Lorey of Austin, Texas, was the lowest and best bidder for the work designated under Docket No. 1758 (4869), Engineer's Reference No. 595B-2, to-wit: The installing of all materials, equipment, and labor necessary in the construction of a Sewage Lift Station, and the furnishing of all materials therefor, and as said bid was regular and proper in all particulars, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the bid of Brown & Root, Inc., of Austin, Texas, to do all the work, furnish all the necessary superintendence, labor, machinery, equipment, tools, and necessary materials, as specified under the "Miscellaneous Sewer Laterals" contract for the aggregate sum of Ninety-Eight Thousand One Hundred Five and 45/100 (\$98,105.45) Dollars, and that the bid of Edward T. Lorey of Austin, Texas, to do the work, furnish all the necessary superintendence, labor, machinery, equipment, tools, and the necessary materials, as specified under the "Sewage Lift Station" contract for the aggregate sum of Six Thousand Five Hundred and Ninety-nine (\$6,599.00) Dollars be and the same is hereby accepted;

It being understood that the bids hereinabove accepted shall be subject to the approval of the Federal Emergency Administration of Public Works; and the City Manager in behalf of the City of Austin is hereby authorized and instructed to enter into contract with said

firms for such purpose, subject to the approval of the Federal Emergency Administration of Public Works.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.
(Report of Engineering Staff attached)

"Austin, Texas
December 12, 1935

Docket No. 1758
Engr. Ref.No. 595B-1-2
Sewer Line Extensions

Hon. Mayor and City Council
Austin, Texas

Gentlemen:

We submit herewith the tabulation of bids received and opened at 10:00 A. M., December 11, 1935, for the construction of sanitary sewer lines on public works project under P. W. A. Docket No. 1758, Engineer's Reference No. 595B-1-2. Four bids were received and tabulated, two being made on the construction of "Miscellaneous Sewer Laterals" and four being made on the construction of a "Sewage Lift Station." It will be noted that the bid of Brown & Root, Inc., of Austin, Texas, was low with the bid of Ninety-eight Thousand One Hundred Five and 45/100 (\$98,105.45) Dollars for the construction of "Miscellaneous Sewer Laterals" and that Edward T. Lorey of Austin, Texas, was the low bidder with the bid of Six Thousand Five Hundred Ninety-nine (\$6,599.00) Dollars for the construction of a "Sewage Lift Station."

After a careful analysis of the unit costs submitted under the various items of this project, it is the opinion of the Engineering Staff that these prices are high and considerably above estimates on this project. We feel that the unusual number of lettings being held at this time and the general improvement in the building industry will explain to some extent the high unit prices received. Should the project be re-advertised and the same conditions exist, the prices may be the same or higher. We are of the opinion that they should be lower.

However, your Engineering Staff feels that primary consideration should be given to creating further employment at the earliest possible time, and thereby help those unfortunates who may be unemployed through the rigors of the winter months, and that the advantage to be derived from this fact may outweigh a possible reduction in cost should the project be re-advertised. We would therefore suggest to your Body that the awards be made to the low bidders.

Yours very truly,

ENGINEERING STAFF

(Sgd) W. E. Seaholm
J. E. Motheral
C. G. Levander
Thomas C. Green
Albert R. Davis. "

A resolution authorizing the City Manager to enter into contract with the Austin Golf Amusement Association for the purchase of the municipal golf course and its appurtenances was read and action on the matter was deferred until a satisfactory lease from the Board of Regents of the University of Texas could be obtained.

Upon motion duly made and seconded, the Council recessed subject to call of the Mayor.

Approved: Tom Miller
M a y o r

Attest:

Y. Hallie McKeel
City Clerk.